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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,486	03/23/2004	Fridrich Vazan	86981RLO	3067

7590 05/16/2006

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EXAMINER
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SANEI, HANA ASMAT

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/807,486	Applicant(s) VAZAN ET AL.	
	Examiner Hana A. Sanei	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/23/04; 7/26/05</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

Claims 1-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected method for encapsulating OLED devices, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 3/10/06.

Applicant's election with traverse of the nonelected method of encapsulating OLED devices, including claims 1-21, is acknowledged. The traversal is on the ground(s) that:

- (i) Applicant believes that the same classes should be searched in the U.S. Patent and Trademark Office; therefore no additional work is imposed upon the Office.

This is not found persuasive for the following reasons: Examiner, in order to establish reasons for insisting upon restriction after distinctness has been demonstrated, must show by appropriate explanation that the following condition is held: the presence of *separate classification*. This shows that each distinct subject has attained recognition in the art as a separate subject for the inventive effort, hence also a separate field of search (See MPEP § 808.02 A).

Applicant's traverse on the grounds that it is not shown that a serious burden exists on the examiner is not found to be persuasive because applications that claim inventions in different statutory categories of invention, only a one-way distinctness is generally required in order to support a restriction requirement (See MPEP 806.05(f)).

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Consequently, in the instant case, neither a showing of undue burden, nor that the claims are both independent and distinct is required to support a restriction requirement. Furthermore, the separate statutory classification of invention, and the different fields of search are indicia of an undue burden (See MPEP 808.02 and MPEP 803(B)).

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

Applicant is reminded of the proper format for an abstract of the disclosure.

The abstract should be generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Encapsulating OLED device with alternating polymer and inorganic layers".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pichler et al (US 2003/0207500 A1).

Regarding Claims 22-23, Pichler teaches a substrate having a surface (300, see at least Fig. 3B); an OLED device (302) provided over a portion of the surface of the substrate, wherein the OLED device comprises a display area and an electrical interconnect area; a first patterned polymer layer (304, organic layer) extending over the entire display area but not over at least a portion of the electrical interconnect area and not over at least a portion of the surface of the substrate that is not occupied by the OLED device (Pichler teaches the desirability to encapsulate only the organic light-emissive areas (e.g. pixels) and leave the contact pads, auxiliary encapsulation areas, scribe-break areas free of the organic and barrier layers of Fig. 3B, [0043]); and a first inorganic dielectric layer assembly containing a patterned inorganic layer (308, SiO<sub>x</sub> or SiN<sub>x</sub>) provided over the top surface of the patterned polymer layer and in alignment with the patterned polymer layer (refer to Fig. 3B).

Pichler fails to specifically teach the addition of further alternating layers for the embodiment as displayed in Fig. 3B. In the same field of endeavor, Pichler teaches, in the Background of the Invention section, an encapsulation that comprises an addition of further alternating layers (Pichler's teaching of the polymer multilayer PML structure may be repeated *several times*, [0003]-[0005]; refer to Fig. 8h for a depiction of only two sets of alternating PML). Pichler teaches this additional alternating configuration for the added benefit of granting additional encapsulation of the entire OLED device overall in order to prevent against damaging environmental effects ([0002], [0005]). This addition yields an inorganic dielectric layer provided over the inorganic layer and extending over

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the sidewalls of the inorganic layer and polymer layer. The additional alternating layers are added in a manner similar to Fig. 8h, thus following the contours of the original polymer and inorganic layer in Fig. 3B. This addition also further yields a second polymer provided over the first inorganic dielectric assembly in substantially the same pattern as the first polymer layer; and a second inorganic dielectric layer assembly provided over the second polymer layer in substantially the same pattern as the first dielectric layer assembly. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the additional alternating layers, as disclosed by Pichler, in the embodiment Fig. 3B of Pichler, for granting additional encapsulation of the entire OLED device overall in order to prevent against damaging environmental effects.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hana A. Sanei whose telephone number is (571) 272-8654. The examiner can normally be reached on Monday- Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hana A. Sanei  
Examiner



Joseph Williams  
Primary Examiner